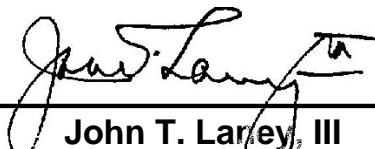




SO ORDERED.

SIGNED this 30 day of May, 2014.



John T. Larley, III
Chief United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Leslie McDaniel,

Debtor,

Leslie McDaniel, Individually and as
Representative of her Bankruptcy Estate,

Plaintiff,

vs.

SunTrust Bank, SunTrust Mortgage, Inc.,
McCalla Raymer, LLC, Foxfire Acres, Inc.,
United States by and through The Internal
Revenue Service, The State of Georgia,
(Represented by the Department of Revenue),
Grogan Group, LLC d/b/a Grogan & Grogan,
and The Columbus Consolidated Government,

Defendants.

* Chapter 13
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* Case Number: 12-41231jtl
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* Adversary Proceeding
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* Number: 13-4013
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ORDER ON MOTION FOR JUDGMENT ON THE PLEADINGS
AS TO THE CROSS-CLAIMS OF FOXFIRE ACRES, INC.

The Court held a hearing on the above-captioned Motion as scheduled on May 23, 2014.

After the conclusion of evidence, the Court announced findings and conclusions from the bench

as authorized by Bankruptcy Rule 7052. Based upon those findings and conclusions, the Court orders as follows:

1. The Motion for Judgment on the Pleadings is GRANTED.
2. Any claim that the Plaintiff has to funds tendered by Defendant McCalla Raymer, LLC to Defendant Foxfire Acres, Inc. and in particular any claim as to a check that has been referred to as "excess funds" in the amount of less than \$9,200.00 is transferred to the \$9,500.00 which has been deposited by Defendant McCalla Raymer, LLC in the Registry of the Court.
3. The parties have stipulated that no party has a claim against the funds tendered by Defendant McCalla Raymer, LLC to Defendant Foxfire Acres, Inc. The Defendant Foxfire Acres, Inc. may deposit those funds to its account and any such deposit or further disposition of the funds will not violate the automatic stay in this case. The automatic stay in this case did not apply and does not apply to Foxfire Acres, Inc.'s proceeding with its case against some of the other parties in the Superior Court of Muscogee County, Georgia.
4. The Court makes no finding as to whether or not Foxfire Acres, Inc. has an abusive litigation claim under Georgia law against any of the other Defendants. To the extent such a claim was made in this case, the Court has doubts as to whether it has jurisdiction and therefore the Court GRANTS the Motion for Judgment on the Pleadings as to the above litigants' claims without prejudice. If the Court were to be in error as to a jurisdictional problem as to such claim, the Court voluntarily abstains from hearing such claims.
5. Foxfire Acres, Inc. remains a defendant in this litigation in bankruptcy case.

SO ORDERED.